



03-29-04

ELX-5795L-6 (BXTD 9006.3)
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Jerry S. Powell

Art Unit 1631

Serial No. 09/975,063

Filed October 10, 2001

Confirmation No. 2666

For METHOD OF MAKING GLYCOPROTEIN EXHIBITING ERYTHROPOIESIS
REGULATING ACTIVITY AND GLYCOPROTEIN PRODUCED BY THIS METHOD

Examiner: James Martinell

LETTER REGARDING PTO-1449 REFERENCES

COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SIR:

A Notice of Allowance for the above-referenced application was mailed on December 29, 2003. A copy of the form PTO-1449 that was attached therewith indicated that a number of references were not considered. As specified by the Examiner, these references were crossed out because they were either not in the parent file or because they were duplicate listing of references already of record.

As indicated in the Information Disclosure Statement filed on February 8, 2002, the present application relies, under 35 U.S.C. § 120 on the earlier filing date of prior Application Ser. No. 08/466,412, filed June 6, 1995, which is a continuation of U.S. Patent Application Ser. No. 08/132,489, filed October 6, 1993, now U.S. Patent No. 5,688,679, which is a continuation of U.S. Patent Application Ser. No. 07/453,381, filed December 18, 1989, now abandoned, which is a continuation of U.S. Patent Application Ser. No. 07/211,278, filed June 21, 1988, now abandoned, which is a continuation of U.S. Patent Application Ser. No. 06/879,423, filed June 27, 1986, now abandoned. The references listed on the above-mentioned form PTO-1449 were



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submitted to and/or cited by the Patent and Trademark Office in these prior applications. Hence, in accordance with 37 C.F.R. §§ 1.56 and 1.97-1.98, Applicants did not resubmit these references in the present application. However, as a courtesy to the Examiner, Applicants are now resubmitting the crossed-out references to be kept in the file. Furthermore, Applicants believe that no fee or statement is needed for resubmitting these references since Applicants were not required to submit copies.

Should the Examiner have any questions regarding this letter, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kathleen M. Petrillo".

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